

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 25, 2014

The Cass County Joint Water Resource District met on September 25, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Lyndon Pease and Mike Opat, Engineers for the Board; Jason Benson, Cass County Engineer; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc.; Brady Woodard, Moore Engineering, Inc.; Jacob Gust, Sheyenne Flood Control District #1 Superintendent; Pat Downs, Red River Retention Authority; Keith Weston, Natural Resources Conservation Service; Stan Wolf, Cass County Weed Control; Bill Stansbery, City of Amenia Mayor; David Strand, property owner in Amenia; and Renee Fauler, property owner in Amenia Township. Absent was Rodger Olson, Maple River Water Resource District.

**Minutes**

It was moved by Manager Jacobson, seconded by Manager Buringrud and unanimously carried to approve the minutes of the September 11, and September 12, 2014, meetings.

**Approval of Agenda**

It was moved by Manager Buringrud, seconded by Manager Wolfer and unanimously carried to approve the agenda, as presented.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project - access update**

Chris McShane updated the board on access issues. Limited right of entry will be requested on 4 properties for land surveys in the Bakke Subdivision and Pleasant Township. Mr. McShane indicated that the search for the cemetery owners is still ongoing and letters will be sent to points of contact.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign the *Agreement for Entry and Construction* with Park

East Apartments, LLC regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – appraisal review / approval**

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve the appraisal of 475 2nd Street North in Fargo, with an effective date of value of July 14, 2014, as basis for just compensation for acquisition of the property for the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – land acquisition**

Eric Dodds reviewed areas where surveys are needed. The plan is to hold off on notifying landowners at this time. The Corps of Engineers has contracts for survey work they want to start next spring

Several landowners have expressed interest in selling property. Pfifer Group, Inc. is working on the Comparative Market Analysis on those properties.

Organic farmers contacted Advanced Engineering and Environmental Services, Inc. (AE2S) regarding appraisals on their properties. The organic farmers would like to establish certification to re-establish farm land elsewhere. The certification process takes 3-4 years. The Board agreed to continue looking into the matter.

AE2S is working with the Corps of Engineers to get an updated list of impacted properties in the staging area.

A few property owners have moved in advance of signing a *Purchase Agreement*. The relocation benefits for these individuals are in question. After further discussion, it was moved by Manager Jacobson and seconded by Manager Buringrud that the Cass County Joint Water Resource District approve paying relocation benefits to one residence owner in Oxbow and two residence owners near El Zagal, even if those owners have already moved, and that the amount of relocation benefits be actual expenses, or an amount determined by the relocation specialists working with each owner. Upon roll call vote, the motion carried unanimously.

The offer made on the Fercho Property was rejected and they came back with a higher counter offer. A hearing is scheduled for September 29, 2014, at 2 p.m.

It was moved by Manager Jacobson and seconded by Manager Buringrud to approve the acquisition of the El Zagal property by the City of Fargo, for the In Town Levee Project, according to the *Purchase Agreement*. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve and authorize the Chairman and Secretary-Treasurer to sign the *Purchase Agreement* for

the Paul and Michelle Breen Property regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

ProSource Technologies, Inc. are meeting with five homeowners in Oxbow to negotiate the purchase of their property. There was also discussion regarding the rental of the Breen house for use as office space for upcoming negotiations.

Bruce Spiller presented the Board with the Summary Budget for FY 2015 for the Diversion Authority. It was moved by Manager Buringrud and seconded by Manager Wolfer to approve the Diversion Authority FY 2015 budget, as presented. Upon roll call vote, the motion carried unanimously.

#### **Oxbow-Hickson-Bakke Ring Levee Project - project updates**

Bruce Spiller updated the Board on the Oxbow Country Club negotiations. Bids have been received for rough grading and development of the golf course. CH2M Hill Engineers, Inc. (CH2M Hill) and AE2S will make sure the work completed is accurate and that quantities are correct.

It was moved by Manager Buringrud and seconded by Manager Jacobson to consent to Oxbow Country Club awarding the contract for golf course construction to Landscapes Unlimited in the amount of \$9,697,941.30. Upon roll call vote, the motion carried unanimously.

Ty Smith provided a construction status report on the Oxbow-Hickson-Bakke Ring Levee Project.

- On Work Package 43E.2.A, the demolition of 333 Schnell Drive is complete. CH2M Hill recommends the Board approve payment to American Enterprises, Inc. for the work performed to-date.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign the *Contractor's Application for Payment No. 1* for American Enterprises, Inc. in the amount of \$27,986.00 for Work Package 43E.2.A. Upon roll call vote, the motion carried unanimously.

- On Work Package 43A, CH2M Hill recommends the Board award *Change Order No.2* for the purpose of an approximate 900' levee extension. This work has already been completed under *Work Change Directive 1*, which was issued on August 15, 2014, in coordination with the Board.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve and authorize the Chairman to sign *Change Order No. 2* for Riley Bros. Construction, Inc. in the amount of \$400,916.53 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

In addition, CH2M Hill recommended the Board approve payment to Riley Bros. Construction, Inc. for work performed on the levee project.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign the *Contractor's Application for Payment No. 3* for Riley Bros. Construction, Inc. in the amount of \$372,886.51 regarding the Oxbow-Hickson-Bakke Ring Level Project. Upon roll call vote, the motion carried unanimously.

- On Work Package 43D.3.A, the *Notice to Proceed* for the Gatewell Preload Project was issued on September 24, 2014; however, the contractor was asked to delay work until the necessary property is acquired for the project.

#### **Maple River Dam - tree removal project**

It was moved by Manager Buringrud and seconded by Manager Wolfer to award contracts for tree removal at the Maple River Dam to Industrial Builders, Inc. and American Enterprises, Inc. Upon roll call vote, the motion carried unanimously. Brady Woodard recommended tree burning begin in Section 21 of Highland Township.

#### **Maple River Dam – land management / weed control**

Stan Wolf reported that Sections 21 and 28 in Highland Township have invasive weeds (common tansy) that can be toxic to livestock and should be eradicated. It was recommended to burn the area this fall and spray in the spring to eliminate regrowth of weeds.

It was moved by Manager Wolfer and seconded by Manager Jacobson to hire American Enterprises, Inc. to burn the areas in Sections 21 and 28 of Highland Township, with common tansy, not to exceed \$3000, as per the estimate received, and to have Cass County Weed Control spray the area next spring. Upon roll call vote, the motion carried unanimously.

Section 21 in Highland Township also has overgrowth of various thistle. It was speculated that these weeds may result from overland flooding in this area. It was recommended to aerial spray with herbicide in the late spring or early summer to eliminate the weeds. Brady Woodard and Stan Wolf will work together to estimate the amount of land affected and submit a proposal for the cost to the Board. Stan Wolf will submit a grant application to the North Dakota Department of Agriculture for possible 50% cost share.

#### **Proposal for Amenia 100-year floodplain mapping**

Lyndon Pease presented the Board with a proposal to conduct road crossing surveys, modeling of the Rush River, and mapping of the 100-year floodplain near Amenia. Bill Stansbery, City of Amenia Mayor, stated there have been no major flood issues in the City of Amenia since 1997 to suggest the need for levee protection. The city believes if the east-west culvert through State Highway 18 was lowered and put back to grade, it would not have a problem with flooding. Mr. Stansbery indicated he did not have an

issue with conducting the study and requested to be updated on the study findings. Mike Opat said the project would model a 100-year event in the area. Chairman Brodshaug said the purpose of this study is to look at the flood risk. Mr. Pease estimates the study to be a 1-2 month effort, assuming weather conditions are favorable.

It was moved by Manager Wolfer and seconded by Manager Jacobson to accept the study proposal for Amenia 100-year floodplain mapping from Moore Engineering, Inc. as presented, not to exceed \$20,000. Upon roll call vote, the motion carried unanimously.

**Establishment of Project Teams for detention in the Rush River, Swan Creek, Buffalo Creek, and Upper Maple River watersheds**

Discussion was held about establishing project teams to move forward with detention studies in the Rush River, Swan Creek, Buffalo Creek, and Upper Maple River watersheds. Potential membership options were considered. The Board directed Chad Engels, Pat Downs, and Keith Weston to develop a proposal outlining the specific structure of the teams, as well as funding sources and a schedule, to be presented at the next meeting.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment of Checks #11369 and #11395 through #11406 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manager Buringrud, and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer